

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ROBERT D. MAWHINEY,**

**Plaintiff,**

**v.**

**WARREN DISTRIBUTION, INC.,**

**Defendant.**

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**CASE NO. 8:05CV466**

**ORDER**

This matter is before the court on plaintiff's motion to amend original complaint (Filing No. 36). In plaintiff's motion he requests that the court consider the charges of discrimination relating to age, race, disability, and retaliation for internal complaints only as part of the overall work environment and not as direct charges for which the plaintiff will pursue specific remedies.

It is not clear to the court whether plaintiff wishes to dismiss all of his claims under Title VII of the Civil Rights Act, the American with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA). Nevertheless, plaintiff is advised that if he dismisses all Title VII, ADA, and ADEA claims he may lose subject matter jurisdiction by his proposed amendment. At this stage in the proceeding there is no immediate need to strike claims which can be clarified after discovery. Therefore, plaintiff shall have 30 days to consider whether he wishes to go forward with his proposed amendment.

**IT IS ORDERED:**

1. Plaintiff shall file with the court a document in writing by August 10, 2006. informing the court whether or not he wishes to go forward with his proposed amendment.

DATED this 10th day of July, 2006.

**BY THE COURT:**

s/ F.A. Gossett  
United States Magistrate Judge